

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

CONTOUR DATA SOLUTIONS LLC,

Plaintiff,

v.

GRIDFORCE ENERGY MANAGEMENT  
LLC, NAES CORPORATION, CDW  
CORPORATION, CDW DIRECT, LLC,  
JOHN AND JANE DOES 1-5, and ABC COS.  
1-5,

Defendants.

Civil Action No. 2:20-CV-03241-CMR

**STIPULATION REGARDING AMENDED ANSWER AND AFFIRMATIVE DEFENSES**

WHEREAS, this stipulation is entered into by Plaintiff Contour Data Solutions LLC (“Contour”) and Defendants CDW Corporation and CDW Direct, LLC (collectively, “CDW”) in the above-captioned case;

WHEREAS, on September 17, 2021, Contour filed its Motion for Leave to File Second Amended Complaint (Dkt. 165) (the “MFL”) to assert causes of action V, VI, and VII against all Defendants for violations of the Federal Computer Fraud and Abuse Act, 18 U.S.C. § 1030 *et seq.*, the Federal Stored Communications Act, 18 U.S.C. § 2701 *et seq.*, and the Texas Harmful Access by a Computer Act, Tex. Civ. Prac. & Rem. Code § 143.001 *et seq.* (collectively, the “New Claims”);

WHEREAS, on December 1, 2021, the Court granted Contour’s MFL (Dkt. 184) and directed the Clerk to file Contour’s Second Amended Complaint (Dkt. 185);

WHEREAS, the Second Amended Complaint contains typographical errors, in that the headings on each of the New Claims do not indicate that they are directed to CDW;

WHEREAS, Contour and CDW have stipulated that, notwithstanding the typographical

errors, the New Claims are being asserted against all Defendants, including CDW;

WHEREAS, Contour and CDW stipulate that Contour will not object to CDW's leave to file an Amended Answer and Affirmative Defenses to Contour's Second Amended Complaint ("Amended Answer"); and

WHEREAS, CDW's Amended Answer also will reflect the withdrawal of its Affirmative Defenses Nos. 1 through 8.

THEREFORE, IT IS HEREBY STIPULATED:

1. Contour will not object to CDW's filing of an Amended Answer directed to the New Claims; and

2. CDW's Amended Answer will not contain Affirmative Defenses Nos. 1 through 8 in CDW's currently effective Answer and Affirmative Defenses to Contour's Second Amended Complaint. These Affirmative defenses are hereby withdrawn without prejudice to CDW's ability to argue that Contour has not met its burden of proving each of the elements of its claims.

**[Signatures on Following Page]**

**STIPULATED AND AGREED TO:**

**TROUTMAN PEPPER HAMILTON  
SANDERS LLP**

By: /s/ M. Kelly Tillery

M. Kelly Tillery  
3000 Two Logan Square  
Eighteenth & Arch Streets  
Philadelphia, PA 19130

*Attorney for Plaintiff Contour Data Solutions  
LLC*

**VEDDER PRICE P.C.**

By: /s/ Thomas P. Cimino, Jr.

Jeremiah J. Vandermark (SBN 317230)  
jvandermark@vedderprice.com  
1633 Broadway 31st Floor  
New York, New York 10019  
T: +1 212 407-7759

Thomas P. Cimino, Jr. (admitted *pro hac vice*)  
Joshua J. Orewiler (admitted *pro hac vice*)  
222 North LaSalle Street  
Chicago, Illinois 60601  
T: +1 312 609 7500  
tcimino@vedderprice.com  
jorewiler@vedderprice.com

*Attorneys for Defendants CDW Corporation and  
CDW Direct, LLC*

Dated: February 11, 2022

**APPROVED AND SO ORDERED.**

/s/ Cynthia M. Rufe

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Hon. Cynthia M. Rufe  
United States District Judge